

June 11, 2024

VIA ECF

The Hon. Colleen McMahon, U.S.D.J.
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl St.
 New York, New York 10007

Re: *Certain Underwriters at Lloyd's, London v. BASF Corporation, et al.*
 No: 1:24-cv-01684

Dear Judge McMahon:

ENDORSED

Pursuant to Rule I(D) of Your Honor's Individual Practices and Procedures, Plaintiffs Certain Underwriters at Lloyd's, London and Certain London Market Insurance Companies (collectively, "Plaintiffs") and Defendant BASF Corporation ("BASF," together with Plaintiffs, the "Parties"), as successor in interest to Ciba Corporation, file this joint letter in response to the Court's March 15, 2024 Order Scheduling an Initial Pretrial Conference. (ECF No. 13.)

The Parties respectfully request that the Court extend their time for submitting a proposed Case Management Plan for this action until 30 days after the Defendants respond to the Plaintiffs' Complaint (which is currently due 30 days after the Judicial Panel on Multidistrict Litigation (the "JPML") rules on whether this action will be transferred to the multidistrict litigation pending in the District of South Carolina under the caption, *In re Aqueous Film-Forming Foams Products Liability Litigation*, MDL No. 2873 (the "AFFF MDL"). The JPML will consider the parties' submissions on transfer during its July 25, 2024 session, with a ruling to follow thereafter.

In addition, pending before the Court are three fully-briefed motions: (1) Plaintiffs' Motion to Remand, (ECF No. 7); (2) BASF's Motion to Stay, (ECF No. 10); and (3) BASF's Cross-Motion for myriad relief concerning the issue of establishing subject matter jurisdiction, (ECF No. 21). In sum, the Parties' motions address whether this Court has subject matter jurisdiction (the Plaintiffs contend there is a lack of subject matter jurisdiction, and the case should be remanded to New York state court) and whether this Court should defer to the JPML's decision on whether this action will proceed in the AFFF MDL (as BASF contends) or before this Court.

In sum, the Parties respectfully submit that it would be premature to submit a Case Management Plan because the need to implement a schedule for this case may be mooted by the JPML's transfer ruling or a decision from this Court regarding the pending Motion to Remand.

In light of the above, the Parties also write to inquire whether the Court would like to proceed with the Case Management Conference presently scheduled for June 13, 2024 at 10:00 a.m., or would prefer adjourning that conference to a later date and time.

No other Defendant has objected to the adjournment request made herein.

B1004 164
 06 11 2024 216019606 1

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: 6/12/2024

The Parties appreciate the Court's consideration of the requests set forth herein and are available at the Court's convenience.

Respectfully submitted,

s/ Matthew B. Anderson

Matthew B. Anderson
MENDES & MOUNT, LLP
750 Seventh Avenue
New York, New York 10019
(212) 261-8000
matthew.anderson@mendes.com
*Attorneys for Plaintiffs Certain Underwriters
at Lloyd's, London, and Certain London
Market Insurance Companies*

s/ Craig Dashiell

Craig Dashiell
LOWENSTEIN SANDLER LLP
1251 Avenue of the Americas
New York, New York 10020
(212) 262-6700
cdashiell@lowenstein.com
Attorneys for Defendant BASF Corporation

cc: Counsel of Record (via ECF)